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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON			
CHANCE SIMS and NOVELLA COLEMAN			
	CA	CASE NO. C06-1412RSM	12RSM
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			OTIONS TO QUASH
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Defendant.	J		
This matter comes before the Court on det	fendan	t's motion to quas	h plaintiffs' subpoena
duces tecum to Jamie Asaka (Dkt. #102), defendant's motion to quash plaintiffs' subpoena duces			
tecum to Dean Ballard (Dkt. #104), and defendant's motion to quash plaintiffs' subpoena duces			
tecum to Zinda Foster (Dkt. #106). Defendant as	ks the	Court to quash pla	aintiffs' subpoena
duces tecum to these three witnesses, or, in the alternative, to modify the subpoenas on the			
grounds that the documents sought by plaintiffs from the subpoenaed witnesses are in the			
possession of defendant Lakeside, a party employe	er. Pla	intiffs oppose the	motion, indicating that
the witnesses are not speaking agents of the emplo	oyer an	d therefore are no	t effectively parties to
the case. Plaintiffs also seek further clarification of	of the C	Court's June 9 Ord	ler denying in part
defendant's motion to quash (Dkt. #78).			
Having reviewed defendant's motions, plaintiffs' responses, defendant's replies, and the			
remainder of the record, the Court hereby finds and ORDERS:			
(1) Defendant's Motions to Quash (Dkt. #	102, #	104, and #106) are	e DENIED IN PART.
	CHANCE SIMS and NOVELLA COLEMAN, Plaintiffs, v. LAKESIDE SCHOOL, Defendant. This matter comes before the Court on defendant tecum to Jamie Asaka (Dkt. #102), defendant tecum to Dean Ballard (Dkt. #104), and defendant tecum to Zinda Foster (Dkt. #106). Defendant as duces tecum to these three witnesses, or, in the altegrounds that the documents sought by plaintiffs fr possession of defendant Lakeside, a party employed the witnesses are not speaking agents of the employed the case. Plaintiffs also seek further clarification of defendant's motion to quash (Dkt. #78). Having reviewed defendant's motions, plaintermainder of the record, the Court hereby finds and	WESTERN DISTRICT OF WAT SEATTLE CHANCE SIMS and NOVELLA COLEMAN, Plaintiffs, v. Defendant. CARESIDE SCHOOL, Defendant. This matter comes before the Court on defendant duces tecum to Jamie Asaka (Dkt. #102), defendant's mot tecum to Dean Ballard (Dkt. #104), and defendant's mot tecum to Zinda Foster (Dkt. #106). Defendant asks the duces tecum to these three witnesses, or, in the alternative grounds that the documents sought by plaintiffs from the possession of defendant Lakeside, a party employer. Plathe witnesses are not speaking agents of the employer are the case. Plaintiffs also seek further clarification of the Codefendant's motion to quash (Dkt. #78). Having reviewed defendant's motions, plaintiffs' remainder of the record, the Court hereby finds and ORI	CHANCE SIMS and NOVELLA COLEMAN, Plaintiffs, V. CASE NO. C06-14 ORDER DENYING DEFENDANT'S Me LAKESIDE SCHOOL, Defendant. This matter comes before the Court on defendant's motion to quash platecum to Dean Ballard (Dkt. #104), and defendant's motion to quash platecum to Zinda Foster (Dkt. #106). Defendant asks the Court to quash platecum to Zinda Foster (Dkt. #106). Defendant asks the Court to quash platecum to these three witnesses, or, in the alternative, to modify the segrounds that the documents sought by plaintiffs from the subpoenaed witnessession of defendant Lakeside, a party employer. Plaintiffs oppose the the witnesses are not speaking agents of the employer and therefore are not the case. Plaintiffs also seek further clarification of the Court's June 9 Ord defendant's motion to quash (Dkt. #78). Having reviewed defendant's motions, plaintiffs' responses, defendant

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1	The Court finds that the subpoenas issued to Jamie Asaka, Dean Ballard, and Zinda Foster have
2	relevance and are proper discovery requests insofar as the plaintiffs seek documents that are in
3	the personal possession of Ms. Asaka, Mr. Ballard, and Ms. Foster, and are not in the possession
4	and control of their employer. Therefore the Court agrees with defendant's alternative
5	argument, and the subpoenas shall be modified to limit them solely to documents which Ms.
6	Asaka, Mr. Ballard, and Ms. Foster have prepared outside their capacities as employees of
7	defendant Lakeside, and over which they have personal possession, custody, or control.
8	However, the Court declines to modify the subpoenas to limit them to documents not concerning
9	students. Any documents which Ms. Asaka, Mr. Ballard, and Ms. Foster have prepared
10	regarding students which are not in the possession and control of their employer are relevant and
11	proper discovery requests.
12	(2) Pursuant to plaintiffs' requests for clarification contained in their responses to
13	defendant's motions, the Court stands by the language contained in its June 9 Order (Dkt. #78)
14	and the language contained in this Order. The Court unambiguously has indicated that any
15	documents which plaintiffs seek from subpoenaed witnesses that are also in the possession and

Plaintiffs may utilize the discovery rules to properly obtain the information they desire.

(3) The Clerk shall forward a copy of this Order to all counsel of record.

DATED this 11 day of September, 2007.

control of defendant Lakeside are improper requests. They are duplicative and unnecessary.

RICARDO S. MARTINEZ UNITED STATES DISTRICT JUDGE